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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/247,125	02/08/1999	ANTONY S. WILLIAMS		7260

7590

05/21/2002

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EXAMINER

CALDWELL, ANDREW T

ART UNIT PAPER NUMBER

2154

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/247,125

Applicant(s)

Williams

Examiner

Andrew Caldwell

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE one MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 9, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 27-81 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 27-81 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**Part III DETAILED ACTION**

***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 27-70 are drawn to a system for determining the data format used for communication between a client and server, which is classified in class 709, subclass 203 - Distributed data processing - client/server.

II. Claims 71-79 are drawn to an graphical user interface and application programming interface allowing a user to manipulate a contained object, which is classified in class 709, subclass 328 - application programming interface.

III. Claims 80-81 are drawn to a dynamically linkable handler for use in a client/server system, which is classified in class 709, subclass 331.

2. Groups I, II, and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

3. In the instant case, the inventions of Groups I and II are separately usable from the invention of Groups III. As discussed in specification from page 9 line 29 to page 10 line 10, the

invention of Group III, the dynamically linked object handlers, allows the client to call server functions without the overhead associated with starting a server process. Accordingly, the inventions of Groups I and II can be used in systems where the overhead associated with starting a server process is not a concern. In such a system, a server process is started and no dynamically linked object handlers are used. See MPEP 806.05(d).

4. In the instant case, the inventions of Groups II and III are separately usable from the invention of Group I. The invention of Group I enables the system to dynamically determine the protocol, or data format information, used to communicate between the client and the server. The inventions of Groups II and III can be used in systems where a fixed protocol is used to communicate between the client and the server. See MPEP 806.05(d).

5. In the instant case, the inventions of Groups I and III are separately usable from the invention of Group II. The invention of Group II provides a graphical user interface and application programming interface allowing the client to invoke a server to manipulate a contained object. The inventions of Groups I and III can be used in systems where the user has no ability to manipulate a contained object. See MPEP 806.05(d).

6. Because these inventions are distinct for the reason(s) given above, restriction for examination purposes as indicated is proper. A complete response to this requirement **must include an election** of the invention to be examined, even if the requirement is traversed.

#### **Conclusion**

7. A shortened statutory period for response to this action is set to expire **1 (one) month (not less than 30 days)** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Caldwell, whose telephone number is (703) 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Meng-Ai An, can be reached at (703) 305-9678. Additionally, the fax numbers for Group 2100 are as follows:

Official Responses:	(703) 746-7239
After Final Responses:	(703) 746-7238
Draft Responses:	(703) 746-7240

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-3900.

*Andrew Caldwell*

**Andrew Caldwell**  
703-306-3036  
May 17, 2002